

(C) representatives of relevant United Nations agencies, including the World Health Organization, and nongovernmental organizations with on-the-ground experience in implementing global health programs in low and lower-middle income countries.

(3) RESPONSIBILITIES.—The Advisory Board should provide advice and guidance to the Executive Board of the Fund on the development and implementation of programs and projects to be assisted by the Fund and on leveraging donations to the Fund.

(4) PROHIBITION ON PAYMENT OF COMPENSATION.—

(A) IN GENERAL.—Except for travel expenses (including per diem in lieu of subsistence), no member of the Advisory Board should receive compensation for services performed as a member of the Board.

(B) UNITED STATES REPRESENTATIVE.—Notwithstanding any other provision of law (including an international agreement), a representative of the United States on the Advisory Board may not accept compensation for services performed as a member of the Board, except that such representative may accept travel expenses, including per diem in lieu of subsistence, while away from the representative's home or regular place of business in the performance of services for the Board.

(5) CONFLICTS OF INTEREST.—Members of the Advisory Board should be required to disclose any potential conflicts of interest prior to serving on the Advisory Board and, in the event of any conflicts of interest, recuse themselves from such matters during their service on the Advisory Board.

(f) REPORTS TO CONGRESS.—

(1) STATUS REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the USAID Administrator, and the heads of other relevant Federal departments and agencies, shall submit a report to the appropriate congressional committees that describes the progress of international negotiations to establish the Fund.

(2) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of the establishment of the Fund, and annually thereafter for the duration of the Fund, the Secretary of State, shall submit a report to the appropriate congressional committees regarding the administration of the Fund.

(B) REPORT ELEMENTS.—The report required under subparagraph (A) shall describe—

- (i) the goals of the Fund;
- (ii) the programs, projects, and activities supported by the Fund;
- (iii) private and governmental contributions to the Fund; and
- (iv) the criteria utilized to determine the programs and activities that should be assisted by the Fund, including baselines, targets, desired outcomes, measurable goals, and extent to which those goals are being achieved.

(3) GAO REPORT ON EFFECTIVENESS.—Not later than 2 years after the date on which the Fund is established, the Comptroller General of the United States shall submit a report to the appropriate congressional committees that evaluates the effectiveness of the Fund, including the effectiveness of the programs, projects, and activities supported by the Fund, as described in subsection (c)(1).

(g) UNITED STATES CONTRIBUTIONS.—

(1) IN GENERAL.—Subject to submission of the certification under this subsection, the President is authorized to make available for United States contributions to the Fund such funds as may be appropriated or otherwise made available for such purpose.

(2) NOTIFICATION.—The Secretary of State shall notify the appropriate congressional committees not later than 15 days in advance of making a contribution to the Fund, including—

(A) the amount of the proposed contribution;

(B) the total of funds contributed by other donors; and

(C) the national interests served by United States participation in the Fund.

(3) LIMITATION.—During the 5-year period beginning on the date of the enactment of this Act, a United States contribution to the Fund may not cause the cumulative total of United States contributions to the Fund to exceed 33 percent of the total contributions to the Fund from all sources.

(4) WITHHOLDINGS.—

(A) SUPPORT FOR ACTS OF INTERNATIONAL TERRORISM.—If the Secretary of State determines that the Fund has provided assistance to a country, the government of which the Secretary of State has determined, for purposes of section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) has repeatedly provided support for acts of international terrorism, the United States shall withhold from its contribution to the Fund for the next fiscal year an amount equal to the amount expended by the Fund to the government of such country.

(B) EXCESSIVE SALARIES.—During the 5-year period beginning on the date of the enactment of this Act, if the Secretary of State determines that the salary of any individual employed by the Fund exceeds the salary of the Vice President of the United States for such fiscal year, the United States should withhold from its contribution for the next fiscal year an amount equal to the aggregate amount by which the salary of each such individual exceeds the salary of the Vice President of the United States.

(C) ACCOUNTABILITY CERTIFICATION REQUIREMENT.—The Secretary of State may withhold not more than 20 percent of planned United States contributions to the Fund until the Secretary certifies to the appropriate congressional committees that the Fund has established procedures to provide access by the Office of Inspector General of the Department of State, as cognizant Inspector General, the Inspector General of the Department of Health and Human Services, the Inspector General of USAID, and the Comptroller General of the United States to the Fund's financial data and other information relevant to United States contributions to the Fund (as determined by the Inspector General of the Department of State, in consultation with the Secretary of State).

(h) COMPLIANCE WITH THE FOREIGN AID TRANSPARENCY AND ACCOUNTABILITY ACT OF 2016.—Section 2(3) of the Foreign Aid Transparency and Accountability Act of 2016 (Public Law 114-191; 22 U.S.C. 2394c note) is amended—

(1) in subparagraph (D), by striking “and” at the end;

(2) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(F) the International Pandemic Preparedness and COVID-19 Response Act of 2021.”.

(i) PROHIBITION AGAINST UNITED STATES FOREIGN ASSISTANCE FOR THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.—None of the assistance authorized to be appropriated under this subtitle may be made available to the Government of the People's Republic of China or to any entity owned or controlled by the Government of the People's Republic of China.

**SA 4645.** Mr. SCHATZ (for himself, Ms. MURKOWSKI, and Mr. ROUNDS) submitted an amendment intended to be

proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

## **DIVISION E—REAUTHORIZATION OF NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT OF 1996**

### **SEC. 5001. SHORT TITLE.**

This division may be cited as the “Native American Housing Assistance and Self-Determination Reauthorization Act of 2021”.

### **SEC. 5002. CONSOLIDATION OF ENVIRONMENTAL REVIEW REQUIREMENTS.**

Section 105 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4115) is amended by adding at the end the following:

“(e) CONSOLIDATION OF ENVIRONMENTAL REVIEW REQUIREMENTS.—

“(1) IN GENERAL.—In the case of a recipient of grant amounts under this Act that is carrying out a project that qualifies as an affordable housing activity under section 202, if the recipient is using 1 or more additional sources of Federal funds to carry out the project, and the grant amounts received under this Act constitute the largest single source of Federal funds that the recipient reasonably expects to commit to the project at the time of environmental review, the Indian tribe of the recipient may assume, in addition to all of the responsibilities for environmental review, decision making, and action under subsection (a), all of the additional responsibilities for environmental review, decision making, and action under provisions of law that would apply to each Federal agency providing additional funding were the Federal agency to carry out the project as a Federal project.

“(2) DISCHARGE.—The assumption by the Indian tribe of the additional responsibilities for environmental review, decision making, and action under paragraph (1) with respect to a project shall be deemed to discharge the responsibility of the applicable Federal agency for environmental review, decision making, and action with respect to the project.

“(3) CERTIFICATION.—An Indian tribe that assumes the additional responsibilities under paragraph (1), shall certify, in addition to the requirements under subsection (c)—

“(A) the additional responsibilities that the Indian tribe has fully carried out under this subsection; and

“(B) that the certifying officer consents to assume the status of a responsible Federal official under the provisions of law that would apply to each Federal agency providing additional funding under paragraph (1).

“(4) LIABILITY.—

“(A) IN GENERAL.—An Indian tribe that completes an environmental review under this subsection shall assume sole liability for the content and quality of the review.

“(B) REMEDIES AND SANCTIONS.—Except as provided in subparagraph (C), if the Secretary approves a certification and release of funds to an Indian tribe for a project in accordance with subsection (b), but the Secretary or the head of another Federal agency providing funding for the project subsequently learns that the Indian tribe failed to carry out the responsibilities of the Indian tribe as described in subsection (a) or paragraph (1), as applicable, the Secretary or

other head, as applicable, may impose appropriate remedies and sanctions in accordance with—

“(i) the regulations issued pursuant to section 106; or

“(ii) such regulations as are issued by the other head.

“(C) STATUTORY VIOLATION WAIVERS.—If the Secretary waives the requirements under this section in accordance with subsection (d) with respect to a project for which an Indian tribe assumes additional responsibilities under paragraph (1), the waiver shall prohibit any other Federal agency providing additional funding for the project from imposing remedies or sanctions for failure to comply with requirements for environmental review, decision making, and action under provisions of law that would apply to the Federal agency.”.

#### SEC. 5003. AUTHORIZATION OF APPROPRIATIONS.

Section 108 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4117) is amended, in the first sentence, by striking “2009 through 2013” and inserting “2022 through 2029”.

#### SEC. 5004. STUDENT HOUSING ASSISTANCE.

Section 202(3) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4132(3)) is amended by inserting “including education-related stipends, college housing assistance, and other education-related assistance for low-income college students,” after “self-sufficiency and other services.”.

#### SEC. 5005. APPLICATION OF RENT RULE ONLY TO UNITS OWNED OR OPERATED BY INDIAN TRIBE OR TRIBALLY DESIGNATED HOUSING ENTITY.

Section 203(a)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4133(a)(2)) is amended by inserting “owned or operated by a recipient and” after “residing in a dwelling unit”.

#### SEC. 5006. PROGRAM REQUIREMENTS.

Section 203(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4133(a)) (as amended by section 5) is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”;

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following:

“(2) APPLICATION OF TRIBAL POLICIES.—Paragraph (3) shall not apply if—

“(A) the recipient has a written policy governing rents and homebuyer payments charged for dwelling units; and

“(B) that policy includes a provision governing maximum rents or homebuyer payments, including tenant protections.”; and

(4) in paragraph (3) (as so redesignated), by striking “In the case of” and inserting “In the absence of a written policy governing rents and homebuyer payments, in the case of”.

#### SEC. 5007. DE MINIMIS EXEMPTION FOR PROCUREMENT OF GOODS AND SERVICES.

Section 203(g) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4133(g)) is amended by striking “\$5,000” and inserting “\$10,000”.

#### SEC. 5008. HOMEOWNERSHIP OR LEASE-TO-OWN LOW-INCOME REQUIREMENT AND INCOME TARGETING.

Section 205 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4135) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (C), by striking “and” at the end; and

(B) by adding at the end the following:

“(E) notwithstanding any other provision of this paragraph, in the case of rental hous-

ing that is made available to a current rental family for conversion to a homebuyer or a lease-purchase unit, that the current rental family can purchase through a contract of sale, lease-purchase agreement, or any other sales agreement, is made available for purchase only by the current rental family, if the rental family was a low-income family at the time of their initial occupancy of such unit; and”; and

(2) in subsection (c)—

(A) by striking “The provisions” and inserting the following:

“(1) IN GENERAL.—The provisions”; and

(B) by adding at the end the following:

“(2) APPLICABILITY TO IMPROVEMENTS.—The provisions of subsection (a)(2) regarding binding commitments for the remaining useful life of property shall not apply to improvements of privately owned homes if the cost of the improvements do not exceed 10 percent of the maximum total development cost for the home.”.

#### SEC. 5009. LEASE REQUIREMENTS AND TENANT SELECTION.

Section 207 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4137) is amended by adding at the end the following:

“(c) NOTICE OF TERMINATION.—The notice period described in subsection (a)(3) shall apply to projects and programs funded in part by amounts authorized under this Act.”.

#### SEC. 5010. INDIAN HEALTH SERVICE.

(a) IN GENERAL.—Subtitle A of title II of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131 et seq.) is amended by adding at the end the following:

#### “SEC. 211. IHS SANITATION FACILITIES CONSTRUCTION.

“Notwithstanding any other provision of law, the Director of the Indian Health Service, or a recipient receiving funding for a housing construction or renovation project under this title, may use funding from the Indian Health Service for the construction of sanitation facilities under that project.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (Public Law 104-330; 110 Stat. 4016) is amended by inserting after the item relating to section 210 the following:

“Sec. 211. IHS sanitation facilities construction.”.

#### SEC. 5011. STATUTORY AUTHORITY TO SUSPEND GRANT FUNDS IN EMERGENCIES.

Section 401(a)(4) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a)(4)) is amended—

(1) in subparagraph (A), by striking “may take an action described in paragraph (1)(C)” and inserting “may immediately take an action described in paragraph (1)(C)”;

(2) by striking subparagraph (B) and inserting the following:

“(B) PROCEDURAL REQUIREMENTS.—

“(i) IN GENERAL.—If the Secretary takes an action described in subparagraph (A), the Secretary shall provide notice to the recipient at the time that the Secretary takes that action.

“(ii) NOTICE REQUIREMENTS.—The notice under clause (i) shall inform the recipient that the recipient may request a hearing by not later than 30 days after the date on which the Secretary provides the notice.

“(iii) HEARING REQUIREMENTS.—A hearing requested under clause (ii) shall be conducted—

“(I) in accordance with subpart A of part 26 of title 24, Code of Federal Regulations (or successor regulations); and

“(II) to the maximum extent practicable, on an expedited basis.

“(iv) FAILURE TO CONDUCT A HEARING.—If a hearing requested under clause (ii) is not

completed by the date that is 180 days after the date on which the recipient requests the hearing, the action of the Secretary to limit the availability of payments shall no longer be effective.”.

#### SEC. 5012. REPORTS TO CONGRESS.

Section 407 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4167) is amended—

(1) in subsection (a), by striking “Congress” and inserting “Committee on Indian Affairs and the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives”; and

(2) by adding at the end the following:

“(c) PUBLIC AVAILABILITY.—The report described in subsection (a) shall be made publicly available, including to recipients.”.

#### SEC. 5013. 99-YEAR LEASEHOLD INTEREST IN TRUST OR RESTRICTED LANDS FOR HOUSING PURPOSES.

Section 702 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4211) is amended—

(1) in the section heading, by striking “50-YEAR” and inserting “99-YEAR”;

(2) in subsection (b), by striking “50 years” and inserting “99 years”; and

(3) in subsection (c)(2), by striking “50 years” and inserting “99 years”.

#### SEC. 5014. AMENDMENTS FOR BLOCK GRANTS FOR AFFORDABLE HOUSING ACTIVITIES.

Section 802(e) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4222(e)) is amended by—

(1) by striking “The Director” and inserting the following:

“(1) IN GENERAL.—The Director”; and

(2) by adding at the end the following:

“(2) SUBAWARDS.—Notwithstanding any other provision of law, including provisions of State law requiring competitive procurement, the Director may make subawards to subrecipients, except for for-profit entities, using amounts provided under this title to carry out affordable housing activities upon a determination by the Director that such subrecipients have adequate capacity to carry out activities in accordance with this Act.”.

#### SEC. 5015. REAUTHORIZATION OF NATIVE HAWAIIAN HOMEOWNERSHIP PROVISIONS.

Section 824 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4243) is amended by striking “such sums as may be necessary” and all that follows through the period at the end and inserting “such sums as may be necessary for each of fiscal years 2022 through 2029.”.

#### SEC. 5016. TOTAL DEVELOPMENT COST MAXIMUM PROJECT COST.

Affordable housing (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) that is developed, acquired, or assisted under the block grant program established under section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111) shall not exceed by more than 20 percent, without prior approval of the Secretary of Housing and Urban Development, the total development cost maximum cost for all housing assisted under an affordable housing activity, including development and model activities.

#### SEC. 5017. COMMUNITY-BASED DEVELOPMENT ORGANIZATIONS.

Section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305) is amended by adding at the end the following:

“(i) INDIAN TRIBES AND TRIBALLY DESIGNATED HOUSING ENTITIES AS COMMUNITY-BASED DEVELOPMENT ORGANIZATIONS.—

“(1) DEFINITION.—In this subsection, the term ‘tribally designated housing entity’ has

the meaning given the term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

“(2) **QUALIFICATION.**—An Indian tribe, a tribally designated housing entity, or a tribal organization shall qualify as a community-based development organization for purposes of carrying out new housing construction under this subsection under a grant made under section 106(a)(1).”

**SEC. 5018. INDIAN TRIBE ELIGIBILITY FOR HUD HOUSING COUNSELING GRANTS.**

Section 106(a)(4) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)(4)) is amended—

(1) in subparagraph (A)—

(A) by striking “and” and inserting a comma; and

(B) by inserting before the period at the end the following: “, Indian tribes, and tribally designated housing entities”;

(2) in subparagraph (B), by inserting “, Indian tribes, and tribally designated housing entities” after “organizations”;

(3) by redesignating subparagraph (F) as subparagraph (G); and

(4) by inserting after subparagraph (E) the following:

“(F) **DEFINITIONS.**—In this paragraph, the terms ‘Indian tribe’ and ‘tribally designated housing entity’ have the meanings given those terms in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).”

**SEC. 5019. SECTION 184 INDIAN HOME LOAN GUARANTEE PROGRAM.**

(a) **IN GENERAL.**—Section 184(b)(4) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(b)(4)) is amended—

(1) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and adjusting the margins accordingly;

(2) by striking “The loan” and inserting the following:

“(A) **IN GENERAL.**—The loan”;

(3) in subparagraph (A), as so designated, by adding at the end the following:

“(v) Any entity certified as a community development financial institution by the Community Development Financial Institutions Fund established under section 104(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4703(a)).”; and

(4) by adding at the end the following:

“(B) **DIRECT GUARANTEE PROCESS.**—

“(i) **AUTHORIZATION.**—The Secretary may authorize qualifying lenders to participate in a direct guarantee process for approving loans under this section.

“(ii) **INDEMNIFICATION.**—

“(I) **IN GENERAL.**—If the Secretary determines that a mortgage guaranteed through a direct guarantee process under this subparagraph was not originated in accordance with the requirements established by the Secretary, the Secretary may require the lender approved under this subparagraph to indemnify the Secretary for the loss, irrespective of whether the violation caused the mortgage default.

“(II) **FRAUD OR MISREPRESENTATION.**—If fraud or misrepresentation is involved in a direct guarantee process under this subparagraph, the Secretary shall require the original lender approved under this subparagraph to indemnify the Secretary for the loss regardless of when an insurance claim is paid.

“(C) **REVIEW OF MORTGAGEES.**—

“(i) **IN GENERAL.**—The Secretary may periodically review the mortgagees originating, underwriting, or servicing single family mortgage loans under this section.

“(ii) **REQUIREMENTS.**—In conducting a review under clause (i), the Secretary—

“(I) shall compare the mortgagee with other mortgagees originating or underwriting loan guarantees for Indian housing based on the rates of defaults and claims for guaranteed mortgage loans originated, underwritten, or serviced by that mortgagee;

“(II) may compare the mortgagee with such other mortgagees based on underwriting quality, geographic area served, or any commonly used factors the Secretary determines necessary for comparing mortgage default risk, provided that the comparison is of factors that the Secretary would expect to affect the default risk of mortgage loans guaranteed by the Secretary;

“(iii) shall implement such comparisons by regulation, notice, or mortgagee letter; and

“(I) may terminate the approval of a mortgagee to originate, underwrite, or service loan guarantees for housing under this section if the Secretary determines that the mortgage loans originated, underwritten, or serviced by the mortgagee present an unacceptable risk to the Indian Housing Loan Guarantee Fund established under subsection (i)—

“(aa) based on a comparison of any of the factors set forth in this subparagraph; or

“(bb) by a determination that the mortgagee engaged in fraud or misrepresentation.”

(b) **LOAN GUARANTEES FOR INDIAN HOUSING.**—Section 184(i)(5) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(i)(5)) is amended—

(1) in subparagraph (B), by inserting after the first sentence the following: “There are authorized to be appropriated for those costs such sums as may be necessary for each of fiscal years 2022 through 2029.”; and

(2) in subparagraph (C), by striking “2008 through 2012” and inserting “2022 through 2029”.

**SEC. 5020. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING.**

Section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b) is amended—

(1) in subsection (c)(4)(B)—

(A) by redesignating clause (iv) as clause (v); and

(B) by inserting after clause (iii) the following:

“(iv) Any entity certified as a community development financial institution by the Community Development Financial Institutions Fund established under section 104(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4703(a)).”; and

(2) in subsection (j)(5)(B), by inserting after the first sentence the following: “There are authorized to be appropriated for those costs such sums as may be necessary for each of fiscal years 2022 through 2029.”

**SEC. 5021. DRUG ELIMINATION PROGRAM.**

(a) **DEFINITIONS.**—In this section:

(1) **CONTROLLED SUBSTANCE.**—The term “controlled substance” has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(2) **DRUG-RELATED CRIME.**—The term “drug-related crime” means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use a controlled substance.

(3) **RECIPIENT.**—The term “recipient”—

(A) has the meaning given the term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103); and

(B) includes a recipient of funds under title VIII of that Act (25 U.S.C. 4221 et seq.).

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Housing and Urban Development.

(b) **ESTABLISHMENT.**—The Secretary may make grants under this section to recipients

of assistance under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) for use in eliminating drug-related and violent crime.

(c) **ELIGIBLE ACTIVITIES.**—Grants under this section may be used for—

(1) the employment of security personnel;

(2) reimbursement of State, local, Tribal, or Bureau of Indian Affairs law enforcement agencies for additional security and protective services;

(3) physical improvements which are specifically designed to enhance security;

(4) the employment of 1 or more individuals—

(A) to investigate drug-related or violent crime in and around the real property comprising housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); and

(B) to provide evidence relating to such crime in any administrative or judicial proceeding;

(5) the provision of training, communications equipment, and other related equipment for use by voluntary tenant patrols acting in cooperation with law enforcement officials;

(6) programs designed to reduce use of drugs in and around housing communities funded under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.), including drug-abuse prevention, intervention, referral, and treatment programs;

(7) providing funding to nonprofit resident management corporations and resident councils to develop security and drug abuse prevention programs involving site residents;

(8) sports programs and sports activities that serve primarily youths from housing communities funded through and are operated in conjunction with, or in furtherance of, an organized program or plan designed to reduce or eliminate drugs and drug-related problems in and around those communities; and

(9) other programs for youth in school settings that address drug prevention and positive alternatives for youth, including education and activities related to science, technology, engineering, and math.

(d) **APPLICATIONS.**—

(1) **IN GENERAL.**—To receive a grant under this subsection, an eligible applicant shall submit an application to the Secretary, at such time, in such manner, and accompanied by—

(A) a plan for addressing the problem of drug-related or violent crime in and around of the housing administered or owned by the applicant for which the application is being submitted; and

(B) such additional information as the Secretary may reasonably require.

(2) **CRITERIA.**—The Secretary shall approve applications submitted under paragraph (1) on the basis of thresholds or criteria such as—

(A) the extent of the drug-related or violent crime problem in and around the housing or projects proposed for assistance;

(B) the quality of the plan to address the crime problem in the housing or projects proposed for assistance, including the extent to which the plan includes initiatives that can be sustained over a period of several years;

(C) the capability of the applicant to carry out the plan; and

(D) the extent to which tenants, the Tribal government, and the Tribal community support and participate in the design and implementation of the activities proposed to be funded under the application.

(e) **HIGH INTENSITY DRUG TRAFFICKING AREAS.**—In evaluating the extent of the

drug-related crime problem pursuant to subsection (d)(2), the Secretary may consider whether housing or projects proposed for assistance are located in a high intensity drug trafficking area designated pursuant to section 707(b) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1706(b)).

(f) REPORTS.—

(1) GRANTEE REPORTS.—The Secretary shall require grantees under this section to provide periodic reports that include the obligation and expenditure of grant funds, the progress made by the grantee in implementing the plan described in subsection (d)(1)(A), and any change in the incidence of drug-related crime in projects assisted under section.

(2) HUD REPORTS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the system used to distribute funding to grantees under this section, which shall include descriptions of—

(A) the methodology used to distribute amounts made available under this section; and

(B) actions taken by the Secretary to ensure that amounts made available under section are not used to fund baseline local government services, as described in subsection (h)(2).

(g) NOTICE OF FUNDING AWARDS.—The Secretary shall publish on the website of the Department a notice of all grant awards made pursuant to section, which shall identify the grantees and the amount of the grants.

(h) MONITORING.—

(1) IN GENERAL.—The Secretary shall audit and monitor the program funded under this subsection to ensure that assistance provided under this subsection is administered in accordance with the provisions of section.

(2) PROHIBITION OF FUNDING BASELINE SERVICES.—

(A) IN GENERAL.—Amounts provided under this section may not be used to reimburse or support any local law enforcement agency or unit of general local government for the provision of services that are included in the baseline of services required to be provided by any such entity pursuant to a local cooperative agreement pursuant under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) or any provision of an annual contributions contract for payments in lieu of taxation with the Bureau of Indian Affairs.

(B) DESCRIPTION.—Each grantee under this section shall describe, in the report under subsection (f)(1), such baseline of services for the unit of Tribal government in which the jurisdiction of the grantee is located.

(3) ENFORCEMENT.—The Secretary shall provide for the effective enforcement of this section, as specified in the program requirements published in a notice by the Secretary, which may include—

(A) the use of on-site monitoring, independent public audit requirements, certification by Tribal or Federal law enforcement or Tribal government officials regarding the performance of baseline services referred to in paragraph (2);

(B) entering into agreements with the Attorney General to achieve compliance, and verification of compliance, with the provisions of this section; and

(C) adopting enforcement authority that is substantially similar to the authority provided to the Secretary under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.)

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each fiscal

years 2022 through 2029 to carry out this section.

**SEC. 5022. RENTAL ASSISTANCE FOR HOMELESS OR AT-RISK INDIAN VETERANS.**

Section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) is amended by adding at the end the following:

“(E) INDIAN VETERANS HOUSING RENTAL ASSISTANCE PROGRAM.—

“(I) DEFINITIONS.—In this subparagraph:

“(I) ELIGIBLE INDIAN VETERAN.—The term ‘eligible Indian veteran’ means an Indian veteran who is—

“(aa) homeless or at risk of homelessness; and

“(bb) living—

“(AA) on or near a reservation; or

“(BB) in or near any other Indian area.

“(II) ELIGIBLE RECIPIENT.—The term ‘eligible recipient’ means a recipient eligible to receive a grant under section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111).

“(III) INDIAN; INDIAN AREA.—The terms ‘Indian’ and ‘Indian area’ have the meanings given those terms in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

“(IV) INDIAN VETERAN.—The term ‘Indian veteran’ means an Indian who is a veteran.

“(V) PROGRAM.—The term ‘Program’ means the Tribal HUD–VASH program carried out under clause (ii).

“(VI) TRIBAL ORGANIZATION.—The term ‘tribal organization’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

“(ii) PROGRAM SPECIFICATIONS.—The Secretary shall use not less than 5 percent of the amounts made available for rental assistance under this paragraph to carry out a rental assistance and supported housing program, to be known as the ‘Tribal HUD–VASH program’, in conjunction with the Secretary of Veterans Affairs, by awarding grants for the benefit of eligible Indian veterans.

“(iii) MODEL.—

“(I) IN GENERAL.—Except as provided in subclause (II), the Secretary shall model the Program on the rental assistance and supported housing program authorized under subparagraph (A) and applicable appropriations Acts, including administration in conjunction with the Secretary of Veterans Affairs.

“(II) EXCEPTIONS.—

“(aa) SECRETARY OF HOUSING AND URBAN DEVELOPMENT.—After consultation with Indian tribes, eligible recipients, and any other appropriate tribal organizations, the Secretary may make necessary and appropriate modifications to facilitate the use of the Program by eligible recipients to serve eligible Indian veterans.

“(bb) SECRETARY OF VETERANS AFFAIRS.—After consultation with Indian tribes, eligible recipients, and any other appropriate tribal organizations, the Secretary of Veterans Affairs may make necessary and appropriate modifications to facilitate the use of the Program by eligible recipients to serve eligible Indian veterans.

“(iv) ELIGIBLE RECIPIENTS.—The Secretary shall make amounts for rental assistance and associated administrative costs under the Program available in the form of grants to eligible recipients.

“(v) FUNDING CRITERIA.—The Secretary shall award grants under the Program based on—

“(I) need;

“(II) administrative capacity; and

“(III) any other funding criteria established by the Secretary in a notice published in the Federal Register after consulting with the Secretary of Veterans Affairs.

“(vi) ADMINISTRATION.—Grants awarded under the Program shall be administered in accordance with the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.), except that recipients shall—

“(I) submit to the Secretary, in a manner prescribed by the Secretary, reports on the utilization of rental assistance provided under the Program; and

“(II) provide to the Secretary information specified by the Secretary to assess the effectiveness of the Program in serving eligible Indian veterans.

“(vii) CONSULTATION.—

“(I) GRANT RECIPIENTS; TRIBAL ORGANIZATIONS.—The Secretary, in coordination with the Secretary of Veterans Affairs, shall consult with eligible recipients and any other appropriate tribal organization on the design of the Program to ensure the effective delivery of rental assistance and supportive services to eligible Indian veterans under the Program.

“(II) INDIAN HEALTH SERVICE.—The Director of the Indian Health Service shall provide any assistance requested by the Secretary or the Secretary of Veterans Affairs in carrying out the Program.

“(viii) WAIVER.—

“(I) IN GENERAL.—Except as provided in subclause (II), the Secretary may waive or specify alternative requirements for any provision of law (including regulations) that the Secretary administers in connection with the use of rental assistance made available under the Program if the Secretary finds that the waiver or alternative requirement is necessary for the effective delivery and administration of rental assistance under the Program to eligible Indian veterans.

“(II) EXCEPTION.—The Secretary may not waive or specify alternative requirements under subclause (I) for any provision of law (including regulations) relating to labor standards or the environment.

“(ix) RENEWAL GRANTS.—The Secretary may—

“(I) set aside, from amounts made available for tenant-based rental assistance under this subsection and without regard to the amounts used for new grants under clause (ii), such amounts as may be necessary to award renewal grants to eligible recipients that received a grant under the Program in a previous year; and

“(II) specify criteria that an eligible recipient must satisfy to receive a renewal grant under subclause (I), including providing data on how the eligible recipient used the amounts of any grant previously received under the Program.

“(x) REPORTING.—

“(I) IN GENERAL.—Not later than 1 year after the date of enactment of this subparagraph, and every 5 years thereafter, the Secretary, in coordination with the Secretary of Veterans Affairs and the Director of the Indian Health Service, shall—

“(aa) conduct a review of the implementation of the Program, including any factors that may have limited its success; and

“(bb) submit a report describing the results of the review under item (aa) to—

“(AA) the Committee on Indian Affairs, the Committee on Banking, Housing, and Urban Affairs, the Committee on Veterans’ Affairs, and the Committee on Appropriations of the Senate; and

“(BB) the Subcommittee on Indian, Insular and Alaska Native Affairs of the Committee on Natural Resources, the Committee on Financial Services, the Committee on Veterans’ Affairs, and the Committee on Appropriations of the House of Representatives.

“(II) ANALYSIS OF HOUSING STOCK LIMITATION.—The Secretary shall include in the initial report submitted under subclause (I) a description of—

“(aa) any regulations governing the use of formula current assisted stock (as defined in section 1000.314 of title 24, Code of Federal Regulations (or any successor regulation)) within the Program;

“(bb) the number of recipients of grants under the Program that have reported the regulations described in item (aa) as a barrier to implementation of the Program; and

“(cc) proposed alternative legislation or regulations developed by the Secretary in consultation with recipients of grants under the Program to allow the use of formula current assisted stock within the Program.”.

#### SEC. 5023. LEVERAGING.

All funds provided under a grant made pursuant to this division or the amendments made by this division may be used for purposes of meeting matching or cost participation requirements under any other Federal or non-Federal program, provided that such grants made pursuant to the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) are spent in accordance with that Act.

**SA 4646.** Mr. LUJÁN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, insert the following:

#### SEC. 821. USE OF DOMESTICALLY SOURCED COMPONENTS IN DEPARTMENT OF DEFENSE SATELLITES.

(a) IN GENERAL.—Subchapter II of chapter 385 of title 10, United States Code, is amended by inserting after section 4864 the following new section:

##### “§ 4865. Domestic source requirement for certain satellite components

“(a) IN GENERAL.—The Secretary of Defense may not acquire a covered component for a Department of Defense satellite unless the covered component is manufactured in the United States.

“(b) WAIVER.—The Secretary may waive the prohibition under subsection (a) with respect to the acquisition of a covered component if the Secretary—

“(1) determines that—

“(A) no significant national security concerns regarding counterfeiting, quality, or unauthorized access would be created by waiving the prohibition;

“(B) the acquisition of the covered component is required to support national security; and

“(C) the covered component is not available from a source inside the United States of satisfactory quality, in sufficient quantity, in the required form, and at reasonable cost; and

“(2) submits to the congressional defense committees a report on the determination under paragraph (1).

“(c) APPLICABILITY.—This section applies respect to contracts entered into on or after October 1, 2022.

“(d) DEFINITIONS.—In this section:

“(1) COVERED COMPONENT.—The term ‘covered component’ means a space-qualified

solar cell, cell-interconnect-coverglass (CIC) assembly, solar panel, or solar array.

“(2) DEPARTMENT OF DEFENSE SATELLITE.—The term ‘Department of Defense satellite’ means a satellite the principal purpose of which is to support the needs of the Department of Defense.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 385 of such title is amended by inserting after the item relating to section 4864 the following new item:

“4865. Domestic source requirement for certain satellite components.”.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on January 1, 2022.

**SA 4647.** Mr. PETERS (for himself, Mr. PORTMAN, Mr. WARNER, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### DIVISION E—FEDERAL INFORMATION SECURITY MODERNIZATION ACT OF 2021

##### SEC. 5101. SHORT TITLE.

This division may be cited as the “Federal Information Security Modernization Act of 2021”.

##### SEC. 5102. DEFINITIONS.

In this division, unless otherwise specified:

(1) ADDITIONAL CYBERSECURITY PROCEDURE.—The term “additional cybersecurity procedure” has the meaning given the term in section 3552(b) of title 44, United States Code, as amended by this division.

(2) AGENCY.—The term “agency” has the meaning given the term in section 3502 of title 44, United States Code.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Oversight and Reform of the House of Representatives; and

(C) the Committee on Homeland Security of the House of Representatives.

(4) DIRECTOR.—The term “Director” means the Director of the Office of Management and Budget.

(5) INCIDENT.—The term “incident” has the meaning given the term in section 3552(b) of title 44, United States Code.

(6) NATIONAL SECURITY SYSTEM.—The term “national security system” has the meaning given the term in section 3552(b) of title 44, United States Code.

(7) PENETRATION TEST.—The term “penetration test” has the meaning given the term in section 3552(b) of title 44, United States Code, as amended by this division.

(8) THREAT HUNTING.—The term “threat hunting” means proactively and iteratively searching for threats to systems that evade detection by automated threat detection systems.

#### TITLE LI—UPDATES TO FISMA

##### SEC. 5121. TITLE 44 AMENDMENTS.

(a) SUBCHAPTER I AMENDMENTS.—Subchapter I of chapter 35 of title 44, United States Code, is amended—

(1) in section 3504—

(A) in subsection (a)(1)(B)—

(i) by striking clause (v) and inserting the following:

“(v) confidentiality, privacy, disclosure, and sharing of information;”;

(ii) by redesignating clause (vi) as clause (vii); and

(iii) by inserting after clause (v) the following:

“(vi) in consultation with the National Cyber Director and the Director of the Cybersecurity and Infrastructure Security Agency, security of information; and”;

(B) in subsection (g), by striking paragraph (1) and inserting the following:

“(1) develop, and in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director, oversee the implementation of policies, principles, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for agencies; and”;

(2) in section 3505—

(A) in paragraph (3) of the first subsection designated as subsection (c)—

(i) in subparagraph (B)—

(I) by inserting “the Director of the Cybersecurity and Infrastructure Security Agency, the National Cyber Director, and” before “the Comptroller General”; and

(II) by striking “and” at the end;

(ii) in subparagraph (C)(v), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(D) maintained on a continual basis through the use of automation, machine-readable data, and scanning.”; and

(B) by striking the second subsection designated as subsection (c);

(3) in section 3506—

(A) in subsection (b)(1)(C), by inserting “, availability” after “integrity”; and

(B) in subsection (h)(3), by inserting “security,” after “efficiency.”; and

(4) in section 3513—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following:

“(c) Each agency providing a written plan under subsection (b) shall provide any portion of the written plan addressing information security or cybersecurity to the Director of the Cybersecurity and Infrastructure Security Agency.”.

(b) SUBCHAPTER II DEFINITIONS.—

(1) IN GENERAL.—Section 3552(b) of title 44, United States Code, is amended—

(A) by redesignating paragraphs (1), (2), (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), (6), (9), and (11), respectively;

(B) by inserting before paragraph (2), as so redesignated, the following:

“(1) The term ‘additional cybersecurity procedure’ means a process, procedure, or other activity that is established in excess of the information security standards promulgated under section 11331(b) of title 40 to increase the security and reduce the cybersecurity risk of agency systems.”;

(C) by inserting after paragraph (6), as so redesignated, the following:

“(7) The term ‘high value asset’ means information or an information system that the head of an agency determines so critical to the agency that the loss or corruption of the information or the loss of access to the information system would have a serious impact on the ability of the agency to perform the mission of the agency or conduct business.

“(8) The term ‘major incident’ has the meaning given the term in guidance issued by the Director under section 3598(a).”;

(D) by inserting after paragraph (9), as so redesignated, the following:

“(10) The term ‘penetration test’ means a specialized type of assessment that—